IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.36526 of 2008
SUJEET KUMAR @ SUJIT KUMAR @ SUJEET KUMAR THAKUR
Versus
STATE OF BIHAR
----

4. 21.11.2008 Heard Sri Vishwanath Pd. Sinha, Senior Advocate for the petitioner and the learned A.P.P. for the State.

There appears some talks between the petitioner and the informant for purchase of a four wheeler, to be précise, a Bolero vehicle. The informant states to have paid Rs.1,00000/- to the above named petitioner and when he went for making the payment, the petitioner wanted that the whole price amount of Rs.2,90,000/- should be paid up. The informant stated that he would pay the money by the next day and in order to getting the money or making payment faster, the petitioner is said to have given a motorcycle bearing no.BR-06-N-2599 to the informant for going to his house and coming back.

WEB COPY NOT OFFICIAL

The informant found from the news papers that the vehicle which was handed over to him by the petitioner, was a vehicle of theft. He thought that he had landed himself up amidst thugs and as such filed a report. It is not disputed that the money paid by the informant has been recovered by the police.

The contention is that the facts of the case may not constitute an offence under Sections 420, 419 etc IPC and that there is nothing on record that the vehicle which was promised to be sold by the petitioner was also of the same class as the two wheeler.

Regard being had to the facts of the case and the circumstanced indicated thereby, let the above named petitioner be released from custody

on furnishing bond of Rs.5,000/-(five thousand)with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Muzaffarpur in Town P.S.Case No.49 of 2008.

(Dharnidhar Jha, J.)

B.Kr.

WEB COPY NOT OFFICIAL